

REMARKS

Applicants acknowledge receipt of the Examiner's Final Office Action dated January 5, 2005. This Office Action rejects all pending claims 22-41. More specifically, claims 22-41 were rejected under 35 U.S.C. § 103 as being unpatentable over U.S. Patent No. 6,507,950 issued to Tsukidate ("Tsukidate") in view of U.S. Patent No. 6,298,482 issued to Seidman ("Seidman"). The rejection is designated as final. Applicants have amended the claims and provide the following remarks to show why the pending claims are patentable. No new matter has been added to these claims. As such, Applicants respectfully request the Examiner's reconsideration and reexamination of all pending claims.

The Office Action objected to certain claims because of typographical errors. More specifically, the Office Action notes that line 2 of claims 26, 33, and 40 erroneously include the term "channel," and line 6 of claims 27, 34, and 41 erroneously include the term "channel." The Office Action requests that channel in each of these claims be replaced with "schedule." Applicants thank the Examiner for noting this typographical error. The claims have been amended accordingly.

The Office Action rejects claims 22-41 under 35 U.S.C. § 103 as being unpatentable over Tsukidate in view of Seidman. Each of the independent claims has been amended to include limitations from respective dependent claims. Specifically, independent claim 22 has been amended to incorporate the limitations of dependent claim 23, independent claim 29 has been amended to include the limitations of dependent claim 30, and independent claim 36 has been amended to include the limitations of dependent claim 37. Dependent claims 23, 30, and 37 have been cancelled without prejudice. Applicants submit independent claims 22, 29,

and 36 as amended are patentably distinguishable over the cited references for the following reasons.

Independent claim 29 as amended recites as follows:

A set-top receiver for receiving an EPG, the set-top receiver comprising:
a microprocessor;
a hard drive coupled to the microprocessor, wherein the disk drive is configured to store the EPG received by the set-top receiver;
a DRAM coupled to the hard drive, wherein the DRAM is configured to receive and store portions of the EPG from the hard drive;
a memory for storing instructions executable by the microprocessor, wherein the microprocessor is configured to implement a method, the method comprising:
partitioning the EPG stored in the hard drive into a program portion, a channel portion, and a schedule portion, wherein the program, channel and schedule portions are stored in the disk drive.

Independent claim 29, as noted above, now includes limitations of dependent claim 30.

Original claims 29 and 30 were rejected under 35 U.S.C. § 103. Specifically, the Office Action alleges that Tsukidate discloses all the limitations of originally filed independent claim 29 except for a DRAM coupled to the hard drive. Thereafter, the Office Action asserts that Seidman discloses the use of DRAM as memory for a microprocessor unit in a set top unit for the purpose of reducing costs, and that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Tsukidate to use dram as main memory for the microprocessor, as taught by Seidman, for the purpose of reducing the cost of the set top receiver. For the purposes of this Office Action only, Applicants will presume that Tsukidate and Seidman are properly combinable under

35 U.S.C. § 103. However, Applicants reserve the right to contest the combination of these two references.

As for original claim 30, the Office Action asserts that Tsukidate discloses partitioning the EPG into a plurality of portions, including a program portion, a channel portion, and a schedule portion, wherein the plurality of portions are stored in the disk drive, citing column 12, lines 60-65; column 7, lines 59-61; column 7, lines 59-63; column 12, lines 60-65; and Fig. 10 (herein claim 10 cited portions) in support thereof. Applicants respectfully traverse this rejection.

In rejecting claims 29 and 30, the Office Action relies primarily on Tsukidate. In particular, the Office Action in rejecting claims 29 and 30 assert that Tsukidate discloses a set top receiver having a microprocessor, wherein the microprocessor implements a method in response to executing the instructions. The Office Action asserts that this method performed by the microprocessor within the set top receiver of Tsukidate includes partitioning the EPG into a plurality of portions. Citing column 7, lines 57-63 in support thereof. While Tsukidate may disclose a set top receiver having a microprocessor which implements a method, the method implemented in the set top receiver microprocessor does not include partitioning the EPG. Rather, any EPG partitioning set forth in column 7, lines 47-63, occur in the broadcasting device within Tsukidate, not the set top receiver. Column 8, lines 44-63 set forth:

Description will be given now on operation to prepare program information and program basic information and transmission operation in the broadcasting device with the above arrangement. FIG. 2 schematically shows a master data 21 and a program basic information 22 of program information prepared by the broadcasting system of the

present embodiment, and FIG. 3 shows the details of the master data 21 and the program basic information 22 in data structure. On this broadcasting system, the program information data preparing unit 1 divides program components of the broadcasting program into a plurality of items and turns them to data form, and prepares the master data 21 (21a, 21b, ...) of a plurality of program information to introduce or recognize the program. In the master data 21, the information to introduce the broadcasting program is incorporated as much as possible. As the information to introduce the broadcasting program, there are, as shown in FIG. 3, various items such as program title, category, performers, date and time of starting of broadcasting, data and time of completion broadcasting, broadcasting channel, detailed description of program (such as information as to whether users can participate or not, whether it is linked to mail, etc.). FIG. 4 represents an example of display of the master data 21.

This section of Tsukidate is clear that the EPG partitioning cited in the Office Action occurs within “the broadcasting system of the present invention” not in the set top receiver as required by amended independent claim 29. Accordingly, Applicants submit that independent claim 29, as amended distinguishes patentably over Tsukidate in view of Seidman.

Claims 31-35 depend from independent claim 29. Insofar as independent claim 29 has been shown to be patentably distinguishable over the references cited, it follows that claims 31-35 are likewise patentably distinguishable.

Independent claims 22 and 36 have been amended to incorporate the limitations of dependent claims 23 and 37, respectively. As such, independent claim 22 and 36 now include the limitation of partitioning the EPG ... because independent claim 29 has been shown to be patentably distinguishable over the references cited for having this limitation, either alone or in combination with the other limitations of the independent claim, it follows that independent claims 22 and 36 are likewise patentably distinguishable.

The remaining dependent claims depend directly or indirectly from independent claims 22 or 36. Insofar as these claims have been shown to be patentably distinguishable, it follows that the remaining dependent claims are likewise patentably distinguishable.

CONCLUSION

Applicants submit that all claims are now in condition for allowance, and an early notice to that effect is earnestly solicited. Nonetheless, should any issues remain that might be subject to resolution through a telephonic interview, the Examiner is requested to telephone the undersigned.

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Mail Stop AE, Commissioner for Patents, P. O. Box 1450, Alexandria, Virginia, 22313-1450, on 1/28/05.


Attorney for Applicant(s)

1/28/05
Date of Signature

Respectfully submitted,



Eric A. Stephenson
Attorney for Applicant(s)
Reg. No. 38,321
Telephone: (512) 439-5093
Facsimile: (512) 439-5099